

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

MOREHOUSE ENTERPRISES, LLC)
d/b/a BRIDGE CITY ORDNANCE, ELIEZER)
JIMENEZ, GUN OWNERS OF AMERICA, INC.,)
and GUN OWNERS FOUNDATION,)

Plaintiffs,)

v.)

BUREAU OF ALCOHOL, TOBACCO,)
FIREARMS AND EXPLOSIVES; UNITED)
STATES DEPARTMENT OF JUSTICE; and)
STEVE DETTELBAACH, DIRECTOR OF ATF¹,)

Defendants.)

Case No. 3:22-cv-00116-PDW-ARS

PLAINTIFFS' MOTION FOR PRELIMINARY AND/OR PERMANENT INJUNCTION

Come now, Plaintiffs, by and through counsel, and hereby request, pursuant to Fed. R. Civ. P. 65(a), that this Court issue a Preliminary and/or Permanent Injunction enjoining Defendants from enforcing the Bureau of Alcohol, Tobacco, Firearms and Explosives' Final Rule, found at 87 FR 24652, and titled "Definition of 'Frame or Receiver' and Identification of Firearms."

Unless enjoined, Plaintiffs will be irreparably harmed as explained in Plaintiffs' contemporaneously filed Memorandum in Support. Plaintiffs are likely to succeed in establishing that Defendants have violated, *inter alia*, the Administrative Procedures Act in promulgating this broad regulatory overhaul, which is far in excess of ATF's statutory authority, in direct and open defiance of statutory text, and relies on a now-repudiated test as justification for ATF's enactments.

¹ Steve Dettelbach was sworn in as Director of ATF on July 19, 2022, and is automatically substituted pursuant to Fed. R. Civ. Pro. 25(d).

This Court should issue a preliminary injunction to preserve the status quo pending a resolution of this matter on the merits. As explained at greater length in the accompanying Memorandum, the balance of equities and the public interest favor granting an injunction. Because a preliminary injunction presents no monetary risk to Defendants, Plaintiffs request that the bond be set at \$1 or altogether waived. Fed. R. Civ. P. 65(c).

Plaintiffs request that the Court issue an Order enjoining Defendants' enforcement of the Final Rule, which is scheduled to be implemented on August 24, 2022, until such time as the Court can rule on the merits of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Plaintiffs additionally request oral argument on their Motion.

Upon filing this Motion and accompanying Memorandum in Support, Plaintiffs caused to be delivered a true and correct copy to the individuals on the Certificate of Service.

Respectfully submitted, this the 25th of July, 2022.

/s/ Stephen D. Stamboulieh
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CERTIFICATE OF SERVICE

I Stephen D. Stamboulieh, hereby certify that I have on this day, caused the foregoing document or pleading to be mailed by United States Postal Service first-class mail, postage pre-paid, to the following non-ECF participants:

Director of ATF
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Ave, NE
Washington, DC 20226

United States Attorney General
Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Civil Process Clerk
U.S. Attorney's Office
655 First Avenue North, Suite 250
Fargo, ND 58102-4932

And by electronic mail to:

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Dated: July 25, 2022.

/s/ Stephen D. Stamboulieh
Stephen D. Stamboulieh